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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LE, KAREN L	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/727,734	NAGHI ET AL.	
	Examiner	Art Unit	
	Karen L. Le	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-18,20-24 and 26-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-18,20-24 and 26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on March 28, 2003 has been entered. Claims 1, 3, 10, 14, 22 and 30 have been amended. Claims 4, 19 and 25 have been cancelled. No claims have been added. Claims 1-3, 5-18, 20-24, and 26-32 are still pending in this application, with claims 1, 14 and 22 being independent. **This action is made final.**

Claim Objections

2. Claim 6 objected to because of the following informalities: claim 4 has been deleted, therefore it is inappropriate that claim 6 depends on claim 4. Therefore, appropriate correction is required. For examination purpose, Examiner assumes that claim 6 depends on claim 1.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 5-18, 20-24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over DePond et al. (U. S. 6,317,488).

Regarding claims 1, 22 and 23 DePond teaches a call-waiting apparatus (Fig. 1, item 12), comprising: a line connector (Fig. 1, item 50) for connection to an incoming telephone line (Fig. 1, item 49), a phone connector (Fig. 1, item 54) for connection to a telephone handset (Fig. 1, item 40), and a modem/fax connector (Fig. 1, item 52) for connection to a computer modem (Fig. 1, item 56) or fax machine; a controller (Fig. 1, item 20) coupled to the line connector, phone connector, and the modem/fax connector,

the controller including an automatic mode (Fig. 1, item 20) in which upon detecting a call-waiting signal from an incoming communication the controller automatically causes a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector and the connection with the computer modem or fax machine to be disconnected (Col. 3, lines 23-35). DePond does not teach a reset timer that prevents a reconnection of the connection between the line connector and the modem/fax connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector to prevent a reconnection attempt by the computer modem or fax machine. However Depond teaches putting the current connection (modem connection) on hold and make a connection to the incoming caller. The Internet call management (Fig. 1, item 12) monitors the phone line to detect when the user hangs up the phone to reconnect the modem to its previous connection (Col. 3, lines 45-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made That DePond's controller is a better timer which prevents a reconnection of the connection between the line connector and the modem/fax connector for as long as the user wishes.

Regarding claims 2 and 24, DePond further teaches the controller further includes a manual mode in which upon detecting a call-waiting signal from an incoming communication, the controller actuates one or more alarms indicating an incoming

communication, the manual mode allowing a user to take the communication, causing a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector, or not take the communication wherein the connection between the line connector and the modem/fax connector is maintained (Col. 3, lines 23-35 and Fig. 3, item 88).

Regarding claim 3, DePond teaches the apparatus includes a switch for the automatic mode (Fig. 1, item 36). DePond does not teach a switch for manual mode. However a switch for manual mode is an old and well-known method. A user can always unplug his modem connection when he wants to pick up his incoming call.

Regarding claim 15, DePond further teaches the controller includes a reset timer that prevents a re-connection of the connection between the line connector and the modem/fax connector for at least twenty seconds once the connection between the line connector and the modem/fax connector is changed to a connection between the line connector and the phone connector (Fig. 1, item 38).

Regarding claim 5, DePond further teaches the controller includes one or more integrated circuits (Fig. 1, item 20).

Regarding claim 6 and 26, DePond further teaches the apparatus wherein the one or more integrated circuits includes one or more low power-consumption (Fig. 1, item 35), CMOS-type integrated circuits (Fig. 1, item 20).

Regarding claims 7, 16 and 27, DePond further teaches the apparatus of wherein the connectors (Fig. 1, items 50, 52, 54) are jacks, and the apparatus further includes a case for housing said controller and jacks (Fig. 1, item 12).

Regarding claims 8, 17 and 28, DePond further teaches the apparatus wherein the controller and connectors are part of a circuit board (Fig. 1, item 12).

Regarding claims 9, 18 and 29, DePond further teaches the controller includes a tone decoder with a center frequency of 440 Hz +/- 50 Hz (Col. 2, lines 57-60), and a response time of approximately 10 ms (Fig. 1, item 38).

Regarding claims 11, 20 and 31, DePond further teaches the apparatus is powered by one or more batteries (Fig. 1, item 35).

Regarding claims 12, 21 and 32, DePond further teaches the apparatus is powered by power from the incoming telephone line (Fig. 1, item 49 and 35).

Regarding claims 13, DePond further teaches the line connector and the modem/fax connector are always connected and the controller causes the connection between the line connector and the modem/fax connector to be superseded by a connection between the line connector and the phone connector upon detecting a call-waiting signal from an incoming communication (Col. 3, lines 3-6).

Regarding claims 14, 10 and 3, DePond further teaches a call-waiting apparatus (Fig. 1, item 12), comprising: a line connector (Fig. 1, item 50) for connection to an incoming telephone line (Fig. 1, item 49), a phone connector (Fig. 1, item 54) for connection to a telephone handset (Fig. 1, item 40), and a modem/fax connector (Fig. 1, item 52) for connection to a computer modem or fax machine (Fig. 1, item 56); a controller (Fig. 1, item 20) coupled to the line connector, phone connector, and the modem/fax connector, the controller including one or more low power-consumption (Fig. 1, item 35), integrated circuits (Fig. 1, item 20), the controller including a mode in which upon detecting a call-waiting signal from an incoming communication, the controller actuates one or more alarms indicating an incoming communication (Fig. 1, item 24 and 26), the mode allowing a user to take the communication, causing a connection between the line connector and the modem/fax connector to be changed to a connection between the line connector and the phone connector, or not take the communication wherein the connection between the line connector and the modem/fax connector is maintained (Fig. 1, item 36 and 38).

DePond does not teach integrated circuits that draw 15ms or less. However, such is old and well known and it would have been obvious to one of ordinary skill in the art at the time the invention was made for a manufacture to design a device that draw less amount of electric to save energy.

Response to Arguments

4. Applicant's arguments with respect to claims1-3, 5-18, 20-24, and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 571-272-7487. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen le
KLL

October 31, 2005

BING Q. BUI
PRIMARY EXAMINER